

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 24-cv-61075-Augustin-Birch

[Consent Case]

MELINDA MICHAELS,

Plaintiff,

v.

SEAWATER PRO LLC, and
MICHAEL SPANOS A/K/A MIKE SPANOS,

Defendants.

_____ /

JOINT DISCOVERY PLAN AND SCHEDULING REPORT

Plaintiff MELINDA MICHAELS and Defendants SEAWATER PRO LLC, and MICHAEL SPANOS A/K/A MIKE SPANOS, pursuant to Federal Rule of Civil Procedure 26(f), Local Rule 16.1(b), and the Court's Paperless Order [DE 43] Setting Status Conference, file their Joint Discovery Plan and Scheduling Report:

I. Local Rule 16.1(b)(2) Scheduling Conference Report

A. Likelihood of Settlement

The Parties will attempt in good faith to resolve this matter efficiently and will notify the Court if they do so.

B. Likelihood of Appearance in the Action of Additional Parties

Plaintiff does not anticipate adding additional parties. Defendants do not anticipate adding additional parties.

C. Proposed Deadlines

The Parties propose the following deadlines. Where the Parties could not agree on dates, Plaintiff's proposed dates are **bolded** and Defendants' proposed dates are *italicized*.

- 12/31/24 The Parties shall furnish their initial disclosures pursuant to Fed. R. Civ. P. 26. The Parties are under a continuing obligation to furnish supplements within ten (10) days of receipt or other notice of new or revised information.
- 12/31/24 Joinder of any additional parties and filing of motion to amend the pleadings by
- 1/13/25 Plaintiff shall disclose experts, expert witness summaries, and reports as required by Fed. R. Civ. P. 26(a)(2) by
- 1/13/25 Defendants shall disclose experts, expert witness summaries, and reports as required by Fed. R. Civ. P. 26(a)(2) by
- 2/26/25 Exchange of rebuttal expert witness summaries and reports as required by Fed. R. Civ. P. 26(a)(2) by
- 2/26/25 Written lists containing the names and addresses of all fact witnesses, including rebuttal witnesses, intended to be called at trial by
- 5/1/25 Fact discovery shall be completed by
- 2/14/25 Expert discovery shall be completed by
- 6/6/25 Dispositive motions, including summary judgment and Daubert, shall be filed by
- 6/6/25 Deposition designations and counter designations shall be filed by
The parties shall meet and confer prior to submitting the deposition designations and counter-designations in a good faith effort to resolve objections. Failure to comply with deadline and the meet and confer may result in objections being stricken or other appropriate sanctions.
- 7/7/25 All pretrial motions and memoranda of law, including motions in limine, shall be filed by
Prior to filing any motions in limine, the parties shall meet and confer in a good faith effort to resolve any issues. If a party has multiple motions in limine, they shall be filed as a single omnibus motion. All motions in limine and the responses shall be limited to one page per issue. No replies shall be permitted.
- 7/14/25 Joint pretrial stipulation, deposition designations and counter-designations, proposed joint jury instructions, proposed joint verdict form, and/or proposed findings of fact and conclusions of law shall be filed by
- 8/25/25 Calendar Call
- 9/2/25 Trial

D. Proposals for the Formulation and Simplification of Issues

The Parties will attempt to work in good faith to narrow and simplify the issues for trial, to eliminate claims or defenses found through discovery to be lacking in merit, to obtain admissions of fact and of documents that will avoid unnecessary proof at trial, and to avoid unnecessary discovery. As the case progresses, the Parties will, in good faith, confer to discuss additional proposals for the formulation and simplification of issues in this case. At this time, the Parties cannot anticipate whether they will file motions for summary judgment or partial summary judgment.

E. Necessity of Amendments to Pleadings

The Parties cannot anticipate at this time whether they will amend their pleadings or add parties.

F. Admissions and Stipulations to Avoid Unnecessary Proof

The Parties do not know at this time whether admissions of fact may be obtained, whether authenticity of documents will be an issue, or whether the Parties will need advance rulings from the Court as to certain evidentiary matters. Should it become necessary, counsel will meet, as appropriate, to discuss stipulations regarding the authenticity of documents and the need for advance rulings from the Court and the admissibility of evidence.

G. Avoidance of Unnecessary Proof and of Cumulative Evidence

The Parties have no suggestions at this time but will discuss this issue following the applicable discovery cut-off date and before the pretrial conference in an attempt to stipulate to any facts or the authentication of documents that may simplify the case for trial.

H. Referral of Matters to Magistrate Judge

The Parties have consented to Magistrate Judge Jurisdiction for the resolution of this Case.

I. Preliminary Estimate of the Time Required for Trial

The Parties believe this case may require 3-5 days of trial.

J. Calendar Call and Trial

See supra § C, Proposed Deadlines.

K. Issues Regarding Discovery and Privilege

The Parties will work together to agree to the terms, conditions, and form of disclosure, discovery, preservation of ESI, and whether there is a need for an Order under Federal Rule of Evidence 502.

L. Other Information Helpful to the Court in Setting the Case for Status or Pretrial Conference

At this time, the Parties are unaware of any other information that might be helpful to the Court in setting the case for status or pretrial conference.

A Joint Proposed Scheduling Order required under S.D. Fla. L.R. 16.1 (b)(3) is attached hereto.

II. Rule 26(f) Discovery Plan Report

A. Deadline to Exchange Initial Disclosures

The Parties agree to exchange their initial disclosures and responses to discovery, including document production, electronically by email or through internet URL links where the documents can be downloaded. The Parties agree to exchange their Rule 26 Initial Disclosures by December 31, 2024, if they have not already done so.

B. Subjects on Which Discovery May Be Needed

Discovery is needed on all issues raised by the pleadings. Discovery should be completed by May 1, 2025. The Parties do not believe discovery should be conducted in phases nor limited beyond the scope authorized by the Federal Rules of Civil Procedure.

C. Disclosure, Discovery, or Preservation of ESI

The Parties agree to produce ESI in PDF format with bates numbering and in their native structured file formats.

D. Claims of Privilege

The Parties will work together to resolve issues of claims of privilege.

E. Limitations on Discovery

The Parties do not believe there should be limitations on discovery beyond the limits set forth in the Federal Rules of Civil Procedure and Local Rules.

F. Other Orders

At this time, the Parties do not believe the Court should enter any other orders under Rule 26(c) or under Rule 16(b) and (c).

Respectfully Submitted, this the 13th day of December, 2024.

/s/Dillon S. Cuthbertson

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